

04-1618-CBS

AFFIDAVIT

I, Aaron J. Arnfeld, having been duly sworn, do hereby depose and state the following:

1. I am a Special Agent with the United States Department of State, Diplomatic Security Service (DSS), and have been so employed since November 1999. As part of my official duties, I am assigned to investigate cases involving those who are alleged to have falsely or fraudulently submitted application for United States passports.

2. The information set forth in this affidavit is based upon my investigation as well as information provided by the Boston Passport Agency, the Boston Police Department, the Registry of Motor Vehicles, and other public agencies. In submitting this affidavit, however, I have not included each and every fact known to me about the investigation, but only those facts that I believe are sufficient to establish probable cause in support of a criminal complaint and the issuance of an arrest warrant charging, Elias ABAD, a/k/a Elias Esteban ABAD-VERA, a/k/a Gregorio GARCIA with making false statements in application for a United States passport, in violation of Title 18, United States Code, §1542.

3. On May 17, 2003, an applicant using the identity of Gregorio GARCIA submitted an application ("DS-11") for a United

States passport at the United States Post Office located at 139 Harborside Drive, East Boston, MA. A copy of GARCIA passport application is appended hereto as Exhibit A. In support of the GARCIA application, the applicant provided a birth certificate from Puerto Rico with date and place of birth as August 26, 1963, San Juan, Puerto Rico, and a Massachusetts Department of Transitional Assistance identification card. Copies of the Puerto Rico birth certificate and Massachusetts employment benefits card are appended hereto as Exhibit B.

4. The applicant signed the GARCIA application in the presence of an authorized passport acceptance clerk, attesting that all of the information contained therein was true. Also, as required, the applicant submitted two copies of a photograph of himself. One copy of the photograph was attached to the GARCIA application at the time of its submission.

5. On September 2, 2003, I received information that the applicant was actually a Dominican Republic national whose true name was Elias ABAD. A record check revealed a criminal record with an FBI# 986127MB2 under the identity of Elias ABAD, a/k/a Elias Esteban ABAD-VERA, with a d.o.b. of 09/02/1961 and a place of birth as the Dominican Republic. The social security number 599-16-7420 was associated with ABAD.

6. Information from the FBI's criminal database indicated that ABAD had been arrested by the MBTA Police Department on 04/04/2000 for drug related charges. I examined the MBTA booking photograph and compared that to the applicant photograph for the GARCIA DS-11. I am of the opinion that the MBTA photo and the applicant are one and the same person. A copy of the MBTA photo is attached as Exhibit C.

7. On September 3, 2003, I received a copy of Elias V. ABAD's Massachusetts Registry of Motor Vehicle ("RMV") driver's license with a number of #S77754184. The date of birth for the driver's license is listed as 09/02/1961.

A photo comparison between the ABAD Massachusetts driver's record and the GARCIA passport application photograph revealed that they are one and the same individual.

8. On September 3, 2003, I verified that Elias ABAD, d.o.b. 09/02/1961, from the Dominican Republic, possessed an Alien Registration # A041427241 with the Immigrations and Customs Enforcement ("ICE").

9. On January 14, 2004, during the course of the investigation, I and another agent, Special Agent Michele Collins, went to the location of 54 Orleans, Apt. 311, East Boston, MA. At that location, the person I recognized as ABAD and as the applicant on the GARCIA application answered to the last

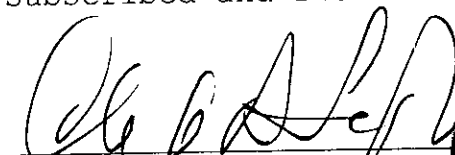
name of Garcia and let us into the apartment building there where he is residing. ABAD indicated that the address used on the GARCIA DS-11 application was an address where he previously resided.

Based on the foregoing, I believe that there is probable cause to believe that Elias ABAD, a/k/a Gregorio GARCIA, did willfully and knowingly make false statements on an application for a United States Passport with the intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, in violation of Title 18, United States Code, §1542.


AARON J. ARNFELD
Special Agent

United States Department of State
Diplomatic Security Service

Subscribed and sworn to before me this 3rd day of February, 2004.


CHARLES B. SWARTWOOD, I
UNITED STATES MAGISTRATE

